

APPENDIX A

December 21, 1982

Mr. Stuart T. Bench
Attorney at Law
431 E. Hanna Avenue
Indianapolis, IN 46227

In re: People ex rel. J. William
Roberts, State's Attorney,
etc., respondent, vs.
Arthur Davis, et al.,
petitioners. No. 57632

Dear Mr. Bench:

The Supreme Court today made the following announcement concerning the above entitled cause:

The motions by defendants, Randy Mowder and Adult World, for a direct appeal to this Court and for a stay of the trial court judgment pending resolution of the appeal coming on to be heard upon proof of notice; It is hereby ordered that the motion for direct appeal is denied; It is further ordered that the motion for stay of the trial court judgment over and beyond the stay heretofore ordered by the Appellate Court is denied; It is further ordered that the Appellate Court is to expedite the consideration and disposition of the

appeal in this matter to the extent
that same can reasonably be done.

A certified copy of this order has been
forwarded to the Clerk of the Appellate
Court, Fourth District.

Very truly yours,

(/s/ Juleann Hornyak)
Clerk of the Supreme
Court

JH:jae

cc: J. William Roberts

APPENDIX B

NO. 4 82 0789

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

PEOPLE EX REL J.)	
WILLIAM ROBERTS,)	
STATE'S ATTORNEY,)	
SANGAMON COUNTY,)	
ILLINOIS,)	Appeal from
Plaintiff-Appellee,)	Circuit Court
)	Sangamon
v.)	County
)	No. 82 CH 153
ARTHUR DAVIS, DAVIS)	
DEVELOPMENT COMPANY,)	
AAA SUPERIOR, INC.,)	
RANDY MOWDER, and)	
ADULT WORLD,)	
Defendants-Appellants.)	

O R D E R

THIS CAUSE has come for consideration upon motion of the appellant for stay of separate injunction and abatement orders issued by the trial court pending appeal.

THE COURT, being fully advised in the premises, hereby denies the motion for stay of the injunction order in its entirety. As to the abatement order, that portion of the order that commands the sheriff to remove and sell all fixtures and movable property from the premises is hereby allowed; all other aspects of the order of abatement to remain in full force and effect. Bond with reference to the aforementioned stay is hereby set in the amount of \$10,000.

ENTERED: December 7, 1982

By order of the Court
consisting of the panel
of HONORABLE ALBERT G.
WEBBER III
HONORABLE FREDERICK S.
GREEN

HONORABLE RICHARD MILLS
would deny the motion
for stay as to both
orders in its entirety.

APPENDIX C

"Exhibit A"

IN THE CIRCUIT COURT
FOR THE SEVENTH JUDICIAL CIRCUIT OF ILLINOIS
SANGAMON COUNTY, SPRINGFIELD, ILLINOIS
GENERAL DIVISION

PEOPLE EX REL J. WILLIAM)
ROBERTS, STATE'S ATTORNEY,)
SANGAMON COUNTY, ILLINOIS,)
Plaintiff)
vs.) No.
) 82-CH-153
ARTHUR DAVIS, DAVIS DEVELOP-)
MENT COMPANY, AAA SUPERIOR,)
INC., RANDY MOWDER, and)
ADULT WORLD,)
Defendants.)

JUDGMENT ORDER

This matter having come on to be
heard upon the Complaint of the People
of the State of Illinois on the relation
of J. William Roberts, State's Attorney
of Sangamon County, Illinois, for a
Writ of Permanent Injunction based

upon the allegations of said Complaint that a public nuisance within the meaning of Ch. 100½, sec. 1 et seq., Ill. Rev. Stats. 1981 exists, and the Court having considered the same and the answers thereto, and having heard the testimony of witnesses sworn and examined in this matter, and being fully advised in the premises,

NOW THEREFORE the Court finds as follows:

1. The Court has jurisdiction of the parties and the subject matter in this proceeding.

2. There is located within Sangamon County, Illinois, certain premises commonly known as 720 E. St. Joseph Street, Springfield, Illinois, and legally described as in paragraph 2 of

the Complaint filed in this cause.

3. The defendant, Randy Mowder, on behalf of Modeling Midwest, Inc., is presently leasing said premises and has since at least April 1982 leased said premises from the defendants, Arthur Davis and Davis Development Company.

4. Defendant AAA Superior, Inc., is the apparent owner of said premises but has made no answer or appearance in this cause.

5. Defendants Arthur Davis and Davis Development Company have made no answer or appearance in this cause.

6. Defendant Randy Mowder operates on said premises a business known as "Adult World."

7. Adult World is and has been open daily for business since at Least May 1982.

8. That since at least May 4, 1982, Adult World was and has been operated on said premises for purposes of lewdness and prostitution, and the fixtures and moveable contents therein have also been used for purposes of lewdness and prostitution.

9. That Adult World is a public nuisance within the meaning of Ch. 100½, sec. 1 et seq., Ill. Rev. Stats. 1981, and that the defendants, AAA Superior, Arthur Davis, Davis Development Company and Randy Mowder, have created and allowed said public nuisance to exist.

10. The Court further expressly finds that the "lease" between the females that work in Adult World and the corporation Modeling Midwest, Inc., (or Midwest Investment, Inc.) is a sham.

11. The Court further specifically finds that the females that work in Adult World are not independent contractors, but are employees, and find there is evidence that shows that the "corporation" is able to tell said females what hours they are to be there, is able to tell them how they are to operate, and is able to tell them that they must use tape recorders.

12. That no legal remedy would prevent the continuation of the nuisance.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that a final judgment is entered in favor of the Plaintiff and it is ordered that the Defendants and all persons are perpetually restrained and enjoined from maintaining or permitting said nuisance on the premises

commonly known as 720 East St. Joseph Street, Springfield, Illinois, and from using said premises for any purposes whatsoever for one year and the Defendants are enjoined from maintaining any such nuisance anywhere within the jurisdiction of this Court.

ENTER: 10/1/82 (/s/ Simon L. Friedman)
JUDGE

APPENDIX D
IN THE
SUPREME COURT OF ILLINOIS

No. 57632

PEOPLE EX REL J.
WILLIAM ROBERTS,
STATES ATTORNEY,
SANGAMON COUNTY,
ILLINOIS,
Plaintiff-
Appellee

vs.

ARTHUR DAVIS,
DAVIS DEVELOPMENT
COMPANY, AAA SUPERIOR,
INC., RANDY MOWDER,
and ADULT WORLD,
Defendants-
Appellants.

) Appeal from the
) Circuit Court of
) the Seventh Judi-
) cial Circuit,
) Sangamon County,
) Illinois
)
) No. 82-CH-153

) Honorable Simon
L. Friedman,
) Judge Presiding
)
) No. 4-82-0789
) In the Appellate
) Court of Illinois
) Fourth Judicial
) District
(Application for
Stay Denied in
Part, Granted in
Part 12-3-82)

REQUEST FOR DIRECT EXPEDITED
APPEAL TO SUPREME COURT

Comes now defendants-appellants
Randy Mowder and Adult World, by counsel,
and request a direct expedited appeal to

the Supreme Court of Illinois for the above-entitled cause of action pursuant to provisions of the Illinois Supreme Court Rules, Number 302.

(/s/ Stuart T. Bench)
STUART T. BENCH, Attorney
for Randy Mowder and
Adult World

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was mailed to James A. Grohne, Assistant State's Attorney, Sangamon County, Room 404, Sangamon County Building, Springfield, Illinois 62701, this 6th day of December, 1982.

(/s/ Stuart T. Bench)
STUART T. BENCH

STUART T. BENCH
431 E. Hanna Avenue
Indianapolis, IN 46227
317/786-0487

No.

In The
SUPREME COURT OF THE UNITED STATES
_____ TERM, A.D., 1983

RANDY MOWDER and ADULT WORLD,
Petitioners

vs.

PEOPLE EX REL J. WILLIAM ROBERTS,
STATE'S ATTORNEY, SANGAMON COUNTY,
ILLINOIS,
Respondents.

PROOF OF SERVICE

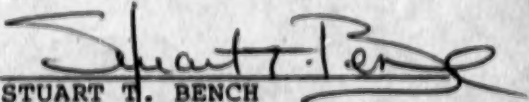
I, Stuart T. Bench, a member of the
Bar of the Supreme Court of the United
States and counsel of record for Randy
Mowder and Adult World, petitioners
herein, hereby certify that on the 14

day of Jan, 1983, pursuant
to Rule 33, Rules of the Supreme Court,
I served three copies of the Petition
for Writ of Certiorari on each of the
parties herein, as follows:

James A. Grohne, Assistant States
Attorney, Sangamon County
Room 404, Sangamon County Bldg.
Springfield, Illinois 62701

Service was made by depositing
such copies in the United States Post
Office, Indianapolis, Indiana, with
first class postage prepaid, properly
addressed to the post office address of
James A. Grohne, Assistant States Attor-
ney for Sangamon County, the above-named
respondents' counsel of record at the
above address.

Dated 14 day of Jan,
1983.


STUART T. BENCH
431 East Hanna Avenue
Indianapolis, IN 46227
317/786-0487